

AMENDED IN SENATE AUGUST 22, 2006

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 21, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2773

Introduced by Assembly Member Berg

February 24, 2006

An act to amend Sections 7380, 7381, and 7382 of, and to add Section 8280.9 to, the Fish and Game Code, relating to fishing, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2773, as amended, Berg. Fish and Game: steelhead trout: Dungeness crab.

(1) Existing law requires any person taking steelhead trout in inland waters to have in his or her possession a steelhead trout catch report-restoration card issued by the Department of Fish and Game. Existing law requires cardholders to record certain information on the catch report-restoration card relative to fishing, and requires the cardholder to return the catch report-restoration card to the department on a schedule or date established by the department. Existing law requires the base fee for the catch report-restoration card to be \$5 for the 2004 license year, and requires the fee to be adjusted annually thereafter pursuant to a specified index. Existing law requires revenue received pursuant to the catch report-restoration card to be expended, upon appropriation by the Legislature, for specified purposes, and requires the department to perform various functions, including, but not limited to, submitting all proposed expenditures to the Advisory

Committee on Salmon and Steelhead Trout for review and comment prior to submitting a request for inclusion of the appropriation in the annual Budget Bill. Existing law requires the department to report to the Legislature on or before July 1, 2007, regarding the implementation of the catch report-restoration card program, the projects undertaken using revenues derived pursuant to that program, the benefits derived, and its recommendation regarding whether the catch report-restoration card requirement should be continued. Existing law makes these provisions relating to steelhead trout inoperative on July 1, 2007, and repeals them as of January 1, 2008.

This bill would change the name of the steelhead trout catch report-restoration card to the steelhead trout fishing report-restoration card. The bill would revise the provision requiring the department to report to the Legislature on its recommendation regarding whether the report-restoration card requirement should be continued to instead require the department to report its recommendations for revising the fishing report-restoration card, if any. The bill would require that the month, day, and location fished be recorded before the cardholder begins fishing for the day and when the cardholder moves to another location listed on the back of the report-restoration card. The bill would require cardholders to immediately record catch information upon keeping a steelhead trout and immediately record catch information regarding released steelhead whenever the cardholder finishes fishing for the day, or moves to another location. The bill would also provide that the provisions relating to steelhead trout would become inoperative on July 1, ~~2008~~ 2012, and be repealed on January 1, ~~2009~~ 2013.

Because this bill would revise and extend the operation of the report-restoration card requirements, the violation of which would be a crime under other provisions, it would impose a state-mandated local program.

The bill would appropriate \$800,000 from steelhead trout fishing report-restoration card revenues deposited in the Fish and Game Preservation Fund to the department for specified purposes relating to steelhead trout resources and the report-restoration card program. The money would be available for expenditure by the department through June 30, 2009, *as specified*.

(2) Existing law prohibits any person from using a vessel to take, possess, or land Dungeness crab for commercial purposes using

Dungeness crab traps, unless the owner of that vessel has a Dungeness crab vessel permit for that vessel.

This bill would provide that Dungeness crab vessel permits are valid only in the waters of the state and in the Pacific Ocean in federal waters south of the border with Oregon.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7380 of the Fish and Game Code is
2 amended to read:

3 7380. (a) In addition to a valid California sport fishing
4 license and any applicable sport license stamp issued pursuant to
5 this code, after January 1, 1993, a person taking steelhead trout in
6 inland waters shall have in his or her possession a valid
7 nontransferable steelhead trout fishing report-restoration card
8 issued by the department. The cardholder shall record certain
9 fishing information on the card as designated by the department.
10 The month, day, and location fished shall be recorded before the
11 cardholder begins fishing for the day and when the cardholder
12 moves to another location listed on the back of the
13 report-restoration card. The cardholder shall immediately record
14 catch information upon keeping a steelhead trout and
15 immediately record catch information regarding released
16 steelhead trout whenever the cardholder finishes fishing for the
17 day, or moves to another location listed on the back of the
18 report-restoration card. The cardholder shall return the card to the
19 department on a schedule or date established by the department.

20 (b) The base fee for the card shall be five dollars (\$5) for the
21 2004 license year, which may be adjusted annually thereafter
22 pursuant to Section 713 ~~and subdivision (c)~~. The funds received
23 by the department from the sale of the card shall be deposited in
24 the Fish and Game Preservation Fund and shall be available for

1 expenditure upon appropriation by the Legislature. The
2 department shall maintain the internal accountability necessary to
3 ensure that all restrictions and requirements pertaining to the
4 expenditure of these funds are met.

5 ~~(e) The fees for the steelhead trout fishing report-restoration~~
6 ~~card may only be adjusted pursuant to Section 713 if the~~
7 ~~estimated reserve in unappropriated fund revenue derived from~~
8 ~~the sale of the card does not exceed five hundred thousand~~
9 ~~dollars (\$500,000) for the current fiscal year.~~

10 ~~(d)~~
11 (c) The commission shall adopt regulations necessary to
12 implement this section. These regulations shall include, but not
13 be limited to, procedures necessary to obtain appropriate
14 steelhead trout resources management information, a requirement
15 that the card contain a statement explaining potential uses of the
16 funds received as authorized by Section 7381, and a requirement
17 that the cards be returned to the department.

18 SEC. 2. Section 7381 of the Fish and Game Code is amended
19 to read:

20 7381. (a) Revenue received pursuant to Section 7380 may
21 only be expended, upon appropriation by the Legislature, to
22 monitor, restore, or enhance steelhead trout resources consistent
23 with Sections 6901 and 6902, and to administer the fishing
24 report-restoration card program. The department shall submit all
25 proposed expenditures, including proposed expenditures for
26 administrative purposes, to the Advisory Committee on Salmon
27 and Steelhead Trout for review and comment prior to submitting
28 a request for inclusion of the appropriation in the annual Budget
29 Bill. The committee may recommend revisions in any proposed
30 expenditure to the Legislature and the commission.

31 (b) The department shall report to the Legislature on or before
32 July 1, 2007, regarding the steelhead trout fishing
33 report-restoration card program's projects undertaken using
34 revenues derived pursuant to that program, the benefits derived,
35 and its recommendations for revising the fishing
36 report-restoration card requirement, if any.

37 SEC. 3. Section 7382 of the Fish and Game Code is amended
38 to read:

39 7382. This article shall become inoperative on July 1, 2008
40 2012, and, as of January 1, 2009 2013, is repealed, unless a later

1 enacted statute that is enacted before January 1, ~~2009~~ 2013,
2 deletes or extends the dates on which it becomes inoperative and
3 is repealed.

4 SEC. 4. Section 8280.9 is added to the Fish and Game Code,
5 to read:

6 8280.9. Dungeness crab vessel permits are valid only in state
7 waters and in the Pacific Ocean in federal waters south of the
8 border with Oregon.

9 SEC. 5. The sum of eight hundred thousand dollars
10 (\$800,000) is hereby appropriated from the steelhead trout
11 fishing report-restoration card revenues deposited in the Fish and
12 Game Preservation Fund pursuant to subdivision (b) of Section
13 7380 of the Fish and Game Code to the Department of Fish and
14 Game for the purposes authorized pursuant to Section 7381 of
15 the Fish and Game Code. The money appropriated in this section
16 shall be available for expenditure, *in an amount not to exceed*
17 *five hundred thousand dollars (\$500,000) per year*, by the
18 Department of Fish and Game through June 30, 2009.

19 SEC. 6. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the
24 penalty for a crime or infraction, within the meaning of Section
25 17556 of the Government Code, or changes the definition of a
26 crime within the meaning of Section 6 of Article XIII B of the
27 California Constitution.